

**CHAPTER 1189****APPROPRIATIONS — ADMINISTRATION AND REGULATION***S.F. 2367*

**AN ACT** relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
ADMINISTRATION AND REGULATION  
APPROPRIATIONS

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.

1. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,053,209
.....	FTEs	62.51

b. For the payment of utility costs:

.....	\$	3,127,085
.....	FTEs	1.00

Notwithstanding section 8.33, any excess funds appropriated for utility costs in this lettered paragraph shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes of this lettered paragraph during the succeeding fiscal year.

It is the intent of the general assembly that the department shall reduce utility costs through energy conservation practices. The goal of the general assembly is to reduce energy use by 10 percent to save money, conserve energy resources, and reduce pollution.

c. The department shall, with the goal of reducing costs, reduce the size of the state fleet, examine policies on when state vehicles are assigned and circumstances for when employees take state vehicles home, and consider guidelines for when to sell and purchase new vehicles. The department shall submit a report to the general assembly by January 1, 2011, concerning the department's efforts to reduce state motor vehicle fleet costs, including data on the extent of savings realized.

2. Members of the general assembly serving as members of the deferred compensation advisory board shall be entitled to receive per diem and necessary travel and actual expenses pursuant to section 2.10, subsection 5, while carrying out their official duties as members of the board.

3. Any funds and premiums collected by the department for workers' compensation shall be segregated into a separate workers' compensation fund in the state treasury to be used for payment of state employees' workers' compensation claims and administrative costs. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in this workers' compensation fund at the end of the fiscal year shall not revert but shall be available for expenditure for purposes of the fund for subsequent fiscal years.

Sec. 2. REVOLVING FUNDS. There is appropriated to the department of administrative services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, from the revolving funds designated in chapter 8A and from internal service funds created by the department such amounts as the department deems necessary for the operation of the department consistent with the requirements of chapter 8A.

Sec. 3. FUNDING FOR IOWACCESS.

1. Notwithstanding section 321A.3, subsection 1, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the first \$1,000,000 collected and transferred by the department of transportation to the treasurer of state with respect to the fees for transactions involving the furnishing of a certified abstract of a vehicle operating record under section 321A.3, subsection 1, shall be transferred to the lowAccess revolving fund for the purposes of developing, implementing, maintaining, and expanding electronic access to government records as provided by law.

2. All fees collected with respect to transactions involving lowAccess shall be deposited in the lowAccess revolving fund and shall be used only for the support of lowAccess projects.

Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION CHARGE. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the monthly per contract administrative charge which may be assessed by the department of administrative services shall be \$2 per contract on all health insurance plans administered by the department.

Sec. 5. AUDITOR OF STATE.

1. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated, and for not more than the following full-time equivalent positions:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	905,468
.....	FTEs	103.00

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursuant to section 11.20 or 11.21, to perform audits which are requested by and reimbursable from the federal government, and to perform work requested by and reimbursable from departments or agencies pursuant to section 11.5A or 11.5B. The auditor of state shall notify the department of management, the legislative fiscal committee, and the legislative services agency of the additional full-time equivalent positions retained.

2. As a condition of receiving funding appropriated in this section, for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the auditor shall comply with all of the following requirements:

a. The rates and fees set by the auditor to conduct audits for the fiscal year shall not exceed the rates and fees set for conducting audits as of January 1, 2009.

b. The auditor shall not seek reimbursement from departments and agencies specified in section 11.5B in an amount that exceeds the total amount reimbursed to the auditor by those departments and agencies for the fiscal year beginning July 1, 2008.

c. The auditor shall not seek reimbursement from governmental subdivisions for audits which are reimbursable pursuant to section 11.20 or 11.21 in an amount that exceeds the total amount reimbursed to the auditor by governmental subdivisions for the fiscal year beginning July 1, 2008.

d. Notwithstanding any provision of this subsection to the contrary, the auditor may seek reimbursement from departments and agencies specified in section 11.5B, and governmental subdivisions, in an amount that exceeds the total amount reimbursed to the auditor by those departments, agencies, or governmental subdivisions for the fiscal year beginning July 1, 2008, for audits required by the federal government and reimbursable from federal funds.

e. For purposes of this subsection, "total amount reimbursed" does not include amounts reimbursed for audits required and reimbursed from federal funds.

Sec. 6. AUDITOR OF STATE — DISCRETIONARY AUDITS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the auditor of state, in addition to any other requirements provided in this Act, shall not seek reimbursement from departments and agencies specified in section 11.5B for any discretionary audit that the auditor initiates or has initiated on the auditor's own authority and which is not specifically required by statute. Notwithstanding the prohibition contained in this section, the auditor shall perform all necessary audit duties related to any financial report required to be compiled by a

department or agency that the auditor has previously audited in the normal course of the auditor's duties, whether or not such financial report is required by law. Any amounts reimbursed in association with such audit shall be limited to the amounts reimbursed for the audit of such report during the previous reporting period. However, the auditor of state may seek reimbursement for the cost of conducting a discretionary audit from any moneys recovered pursuant to any criminal or civil action arising out of the discretionary audit.

Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There is appropriated from the general fund of the state to the Iowa ethics and campaign disclosure board for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	537,256
.....	FTEs	5.00

Sec. 8. DEPARTMENT OF COMMERCE.

1. There is appropriated from the general fund of the state to the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. ALCOHOLIC BEVERAGES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,786,444
.....	FTEs	31.00

b. PROFESSIONAL LICENSING AND REGULATION BUREAU

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	810,498
.....	FTEs	14.00

2. There is appropriated from the department of commerce revolving fund created in section 546.12 to the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

a. BANKING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,851,670
.....	FTEs	80.00

b. CREDIT UNION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,727,995
.....	FTEs	19.00

c. INSURANCE DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,928,244
.....	FTEs	103.00

(2) The insurance division may reallocate authorized full-time equivalent positions as necessary to respond to accreditation recommendations or requirements. The insurance division expenditures for examination purposes may exceed the projected receipts, refunds, and reimbursements, estimated pursuant to section 505.7, subsection 7, including the expenditures for retention of additional personnel, if the expenditures are fully reimbursable and the division first does both of the following:

(a) Notifies the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) Files with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

d. UTILITIES DIVISION

(1) For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	8,173,069
.....	FTEs	79.00

(2) The utilities division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for utility regulation and the expenditures are fully reimbursable. Before the division expends or encumbers an amount in excess of the funds budgeted for regulation, the division shall first do both of the following:

(a) Notify the department of management, the legislative services agency, and the legislative fiscal committee of the need for the expenditures.

(b) File with each of the entities named in subparagraph division (a) the legislative and regulatory justification for the expenditures, along with an estimate of the expenditures.

(3) Notwithstanding sections 8.33 and 476.10 or any other provision to the contrary, any balance of the appropriation made in this paragraph for the utilities division or any other operational appropriation made for the fiscal year beginning July 1, 2010, and ending June 30, 2011, that remains unused, unencumbered, or unobligated at the close of the fiscal year shall not revert but shall remain available to be used for purposes of the energy-efficient building project authorized under section 476.10B, or for relocation costs in succeeding fiscal years.

3. CHARGES. Each division and the office of consumer advocate shall include in its charges assessed or revenues generated an amount sufficient to cover the amount stated in its appropriation and any state-assessed indirect costs determined by the department of administrative services.

4. TRAVEL. The director of the department of commerce shall review on a quarterly basis all out-of-state travel for the previous quarter for officers and employees of each division of the department if the travel is not already authorized by the executive council.

Sec. 9. DEPARTMENT OF COMMERCE — PROFESSIONAL LICENSING AND REGULATION BUREAU. There is appropriated from the housing trust fund of the Iowa finance authority created in section 16.181, to the bureau of professional licensing and regulation of the banking division of the department of commerce for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	62,317
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Sec. 10. GOVERNOR AND LIEUTENANT GOVERNOR. There is appropriated from the general fund of the state to the offices of the governor and the lieutenant governor for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. GENERAL OFFICE

For salaries, support, maintenance, and miscellaneous purposes for the general office of the governor and the general office of the lieutenant governor, and for not more than the following full-time equivalent positions:

.....	\$	2,064,471
.....	FTEs	25.25

2. TERRACE HILL QUARTERS

For salaries, support, maintenance, and miscellaneous purposes for the governor's quarters at Terrace Hill, and for not more than the following full-time equivalent positions:

.....	\$	394,291
.....	FTEs	10.00

3. ADMINISTRATIVE RULES COORDINATOR

For salaries, support, maintenance, and miscellaneous purposes for the office of administrative rules coordinator, and for not more than the following full-time equivalent

positions:

.....	\$	127,167
.....	FTEs	3.00

#### 4. NATIONAL GOVERNORS ASSOCIATION

For payment of Iowa's membership in the national governors association:

.....	\$	70,783
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#### 5. STATE-FEDERAL RELATIONS

For salaries, support, maintenance, and miscellaneous purposes for the office for state-federal relations, and for not more than the following full-time equivalent positions:

.....	\$	41,958
.....	FTEs	2.00

Sec. 11. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There is appropriated from the general fund of the state to the governor's office of drug control policy for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, including statewide coordination of the drug abuse resistance education (D.A.R.E.) programs or similar programs, and for not more than the following full-time equivalent positions:

.....	\$	357,866
.....	FTEs	8.00

Sec. 12. DEPARTMENT OF HUMAN RIGHTS. There is appropriated from the general fund of the state to the department of human rights for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

##### 1. CENTRAL ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	274,773
.....	FTEs	7.00

##### 2. COMMUNITY ADVOCACY AND SERVICES DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,247,926
.....	FTEs	18.20

##### 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,284,725
.....	FTEs	11.18

The criminal and juvenile justice planning advisory council and the juvenile justice advisory council shall coordinate their efforts in carrying out their respective duties relative to juvenile justice.

Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, for the purposes designated:

##### 1. ADMINISTRATION DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,984,510
.....	FTEs	37.25

##### 2. ADMINISTRATIVE HEARINGS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	609,585
.....	FTEs	24.00

### 3. INVESTIGATIONS DIVISION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,365,570
.....	FTEs	56.00

The department, in coordination with the investigations division, shall provide a report to the general assembly by January 10, 2011, concerning the fiscal impact of additional full-time equivalent positions on the department's efforts relative to the Medicaid divestiture program under chapter 249F.

### 4. HEALTH FACILITIES DIVISION

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,030,108
.....	FTEs	134.75

*\*b. The department shall, in coordination with the health facilities division, make the following information available to the public in a timely manner, to include providing the information on the department's internet website, during the fiscal year beginning July 1, 2010, and ending June 30, 2011:*

*(1) The number of inspections conducted by the division annually by type of service provider and type of inspection.*

*(2) The total annual operations budget for the division, including general fund appropriations and federal contract dollars received by type of service provider inspected.*

*(3) The total number of full-time equivalent positions in the division, to include the number of full-time equivalent positions serving in a supervisory capacity, and serving as surveyors, inspectors, or monitors in the field by type of service provider inspected.*

*(4) Identification of state and federal survey trends, cited regulations, the scope and severity of deficiencies identified, and federal and state fines assessed and collected concerning nursing and assisted living facilities and programs.\**

c. It is the intent of the general assembly that the department and division continuously solicit input from facilities regulated by the division to assess and improve the division's level of collaboration and to identify new opportunities for cooperation.

### 5. EMPLOYMENT APPEAL BOARD

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	46,318
.....	FTEs	15.00

The employment appeal board shall be reimbursed by the labor services division of the department of workforce development for all costs associated with hearings conducted under chapter 91C, related to contractor registration. The board may expend, in addition to the amount appropriated under this subsection, additional amounts as are directly billable to the labor services division under this subsection and to retain the additional full-time equivalent positions as needed to conduct hearings required pursuant to chapter 91C.

### 6. CHILD ADVOCACY BOARD

For foster care review and the court appointed special advocate program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,920,367
.....	FTEs	45.04

a. The department of human services, in coordination with the child advocacy board and the department of inspections and appeals, shall submit an application for funding available pursuant to Tit. IV-E of the federal Social Security Act for claims for child advocacy board administrative review costs.

\* Item veto; see message at end of the Act

b. The court appointed special advocate program shall investigate and develop opportunities for expanding fund-raising for the program.

c. Administrative costs charged by the department of inspections and appeals for items funded under this subsection shall not exceed 4 percent of the amount appropriated in this subsection.

d. Notwithstanding any provision of sections 237.18 and 237.20 to the contrary, the child advocacy board may establish up to six pilot projects using alternative policies to guide the selection of cases and the procedures used by local citizen foster care review boards as they review cases of children who received or are receiving foster care or other out-of-home placement services while under the supervision of the department of human services. Policies to guide the pilot project case selection and review time frames and reporting formats shall be approved by the department of human services, state court administrator, and the chief judge of any judicial district in which a pilot project is to be implemented. The child advocacy board shall report to the governor and general assembly by January 1, 2011, on the progress of any new approaches and their impact on efficiencies and case outcomes.

Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS — MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the department of inspections and appeals shall retain any license fees generated during the fiscal year as a result of actions under section 137F.3A occurring during the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the purpose of enforcing the provisions of chapters 137C, 137D, and 137F.

Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS — HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any provision of section 135C.16 to the contrary, inspections of health care facilities that are only state-licensed and not certified under the Medicare or Medicaid programs shall not be inspected by the department of inspections and appeals every thirty months, but only as provided pursuant to sections 135C.9 and 135C.38.

Sec. 16. MEDICAID FRAUD ACCOUNT APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the Medicaid fraud account created in section 249A.7 to the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the amounts necessary for the purposes designated:

1. To cover the cost of any state match to draw down matching federal funds through the department of human services for additional full-time equivalent positions for conducting investigations of alleged fraud and overpayments of food assistance benefits through electronic benefits transfer.

2. For the state financial match requirement for meeting the federal mandates connected with the department's Medicaid fraud and abuse activities, and the amount necessary to cover costs incurred by the department or other agencies in providing regulation, responding to allegations, or other activity involving chapter 135O.

Sec. 17. RACING AND GAMING COMMISSION.

1. RACETRACK REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for the regulation of pari-mutuel racetracks, and for not more than the following full-time equivalent positions:	\$	2,637,614
..... FTEs		28.53

2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION

There is appropriated from the general fund of the state to the racing and gaming commission of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary,

to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the excursion boat gambling and gambling structure laws, and for not more than the following full-time equivalent positions:

.....	\$	3,034,862
.....	FTEs	42.22

However, if more than 14 licenses to operate gambling games on a gambling structure or excursion gambling boat are issued during the fiscal year beginning July 1, 2010, and ending June 30, 2011, there is appropriated from the general fund to the department an additional amount of not more than \$166,116 for not more than 2.00 full-time equivalent positions for each licensed gambling structure or excursion gambling boat in excess of 14.

Sec. 18. ROAD USE TAX FUND APPROPRIATION — DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the road use tax fund created in section 312.1 to the administrative hearings division of the department of inspections and appeals for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	1,623,897
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Sec. 19. DEPARTMENT OF MANAGEMENT. There is appropriated from the general fund of the state to the department of management for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,997,742
.....	FTEs	60.40

Of the moneys appropriated in this section, the department shall use a portion for enterprise resource planning, providing for a salary model administrator, conducting performance audits, and for the department's LEAN process.

Sec. 20. ROAD USE TAX APPROPRIATION — DEPARTMENT OF MANAGEMENT. There is appropriated from the road use tax fund created in section 312.1 to the department of management for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes:

.....	\$	56,000
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Sec. 21. DEPARTMENT OF REVENUE. There is appropriated from the general fund of the state to the department of revenue for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	22,729,219
.....	FTEs	360.07

Of the funds appropriated pursuant to this section, \$400,000 shall be used to pay the direct costs of compliance related to the collection and distribution of local sales and services taxes imposed pursuant to chapters 423B and 423E.

The director of revenue shall prepare and issue a state appraisal manual and the revisions to the state appraisal manual as provided in section 421.17, subsection 17, without cost to a city or county.

The director of revenue shall provide a report to the general assembly by January 10, 2011, concerning the impact on revenues collected by the department relative to any increase in examiners authorized for the department in legislation enacted during the 2010 session of the general assembly.



Sec. 22. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is appropriated from the motor fuel tax fund created by section 452A.77 to the department of revenue for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes for administration and enforcement of the provisions of chapter 452A and the motor vehicle use tax program:

..... \$ 1,305,775

Sec. 23. SECRETARY OF STATE. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,895,585

..... FTEs 43.00

The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

Sec. 24. SECRETARY OF STATE FILING FEES REFUND. Notwithstanding the obligation to collect fees pursuant to the provisions of section 490.122, subsection 1, paragraphs “a” and “s”, and section 504.113, subsection 1, paragraphs “a”, “c”, “d”, “j”, “k”, “l”, and “m”, for the fiscal year beginning July 1, 2010, the secretary of state may refund these fees to the filer pursuant to rules established by the secretary of state. The decision of the secretary of state not to issue a refund under rules established by the secretary of state is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act, chapter 17A.

Sec. 25. TREASURER. There is appropriated from the general fund of the state to the office of treasurer of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 854,289

..... FTEs 28.80

The office of treasurer of state shall supply clerical and secretarial support for the executive council.

Sec. 26. ROAD USE TAX APPROPRIATION — OFFICE OF TREASURER OF STATE. There is appropriated from the road use tax fund created in section 312.1 to the office of treasurer of state for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enterprise resource management costs related to the distribution of road use tax funds:

..... \$ 93,148

Sec. 27. IPERS — GENERAL OFFICE. There is appropriated from the Iowa public employees’ retirement system fund to the Iowa public employees’ retirement system for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and other operational purposes to pay the costs of the Iowa public employees’ retirement system, and for not more than the following full-time equivalent positions:

..... \$ 17,686,968

..... FTEs 90.13

Sec. 28. REBUILD IOWA OFFICE. There is appropriated from the general fund of the state to the rebuild Iowa office for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	647,014
.....	FTEs	12.00

It is the intent of the general assembly that the rebuild Iowa office shall be repealed effective June 30, 2011, and shall not receive an appropriation from the general fund of the state after that date.

## DIVISION II AUDITS

Sec. 29. Section 8D.13, subsection 13, Code 2009, is amended by striking the subsection.

Sec. 30. Section 11.5B, Code 2009, is amended by adding the following new subsection:  
NEW SUBSECTION. 16. Financial administration duties of the department of management as provided in sections 8.71 through 8.99.<sup>1</sup>

Sec. 31. Section 182.18, unnumbered paragraph 1, Code 2009, is amended to read as follows:

Moneys collected under this chapter are subject to audit by the auditor of state and shall be used by the Iowa sheep and wool promotion board first for the payment of collection and refund expenses, second for payment of the costs and expenses arising in connection with conducting referendums, ~~and third for the purposes identified in section 182.11, and fourth for the cost of audits for the auditor of state.~~ Moneys of the board remaining after a referendum is held at which a majority of the voters favor termination of the board and the assessment shall continue to be expended in accordance with this chapter until exhausted. The auditor of state may seek reimbursement for the cost of the audit.

Sec. 32. Section 184.14, unnumbered paragraph 2, Code 2009, is amended to read as follows:

Moneys collected, deposited in the fund, and transferred to the council as provided in this chapter are subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit. The moneys transferred to the council shall be used by the council first for the payment of collection expenses, second for payment of the costs and expenses arising in connection with conducting referendums, ~~and third to perform the functions and carry out the duties of the council as provided in this chapter, and fourth for the cost of audits by the auditor of state.~~ Moneys remaining after the council is abolished and the imposition of an assessment is terminated pursuant to a referendum conducted pursuant to section 184.5 shall continue to be expended in accordance with this chapter until exhausted.

Sec. 33. Section 184A.6, subsection 2, Code 2009, is amended to read as follows:

2. The council shall expend moneys from the account first for the payment of expenses for the collection of assessments, ~~and then second~~ second for the payment of expenses related to conducting a referendum as provided in section 184A.12, and third for the cost of audits by the auditor of state as required in section 184A.9. The council shall expend remaining moneys for market development, producer education, and the payment of refunds to producers as provided in this chapter.

Sec. 34. Section 184A.9, Code 2009, is amended to read as follows:

### **184A.9 Audit.**

Moneys required to be deposited in the turkey council account as provided in section 184A.4

<sup>1</sup> See chapter 1193, §32 herein

shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the turkey council account.

Sec. 35. Section 185C.26, Code 2009, is amended to read as follows:

**185C.26 Deposit of moneys — corn promotion fund.**

A state assessment collected by the board from a sale of corn shall be deposited in the office of the treasurer of state in a special fund known as the corn promotion fund. The fund may include any gifts, rents, royalties, interest, license fees, or a federal or state grant received by the board. Moneys collected, deposited in the fund, and transferred to the board as provided in this chapter shall be subject to audit by the auditor of state. The auditor of state may seek reimbursement for the cost of the audit from moneys deposited in the fund as provided in this chapter. The department of administrative services shall transfer moneys from the fund to the board for deposit into an account established by the board in a qualified financial institution. The department shall transfer the moneys as provided in a resolution adopted by the board. However, the department is only required to transfer moneys once during each day and only during hours when the offices of the state are open. From moneys collected, the board shall first pay all the direct and indirect costs incurred by the secretary and the costs of referendums, elections, and other expenses incurred in the administration of this chapter, before moneys may be expended for the purpose of carrying out the purposes of this chapter as provided in section 185C.11.

DIVISION III

DEPARTMENT OF ADMINISTRATIVE SERVICES PROVISIONS

Sec. 36. Section 8A.207, subsection 4, paragraph c, Code 2009, is amended to read as follows:

c. *Contracts let by another governmental entity.* The department, on its own behalf or on the behalf of another participating agency or governmental entity, may procure information technology under a an existing competitively procured contract let by another agency or other governmental entity, or may approve such procurement in the same manner by a participating agency or governmental entity. The department, on its own behalf or on the behalf of another participating agency or governmental entity, may also procure information technology by leveraging an existing competitively procured contract, or other<sup>2</sup> than a contract associated with the state board of regents or an institution under the control of the state board of regents.

Sec. 37. **NEW SECTION. 8A.315A Purchase of chain-of-custody paper.**

1. Notwithstanding any requirements under section 8A.315 related to the purchase of recycled paper to the contrary, the department may use certified chain-of-custody paper as provided in this section in lieu of recycled paper. The department shall adopt rules related to the use of chain-of-custody paper.

2. As used in this section, unless the context otherwise requires, “*certified chain-of-custody paper*” means paper that has been certified pursuant to a process that tracks and records the possession and transfer of wood and fiber used to make paper through the different states of production to the end user of the paper. The department shall adopt rules defining “*certified chain-of-custody paper*” consistent with the certification requirements established by independent entities such as the forest stewardship council, sustainable forest initiative, or other similar entity.

Sec. 38. Section 8A.454, subsection 4, Code Supplement 2009, is amended by striking the subsection.

Sec. 39. **VEHICLE DEPRECIATION FUNDS.** Notwithstanding any provision of section 8A.365 to the contrary, a department or agency otherwise required to pay a depreciation expense pursuant to that section shall not be required to pay the depreciation expense during the fiscal year beginning July 1, 2010, and ending June 30, 2011. However, the department of administrative services may encourage departments or agencies otherwise required to pay

<sup>2</sup> According to enrolled Act; the phrase “contract, other” probably intended

a depreciation expense to make voluntary payments in an effort to maintain the state fleet in the most cost-efficient manner possible, including the future replacement of vehicles, as necessary and appropriate.

Sec. 40. EFFECTIVE UPON ENACTMENT. The section of this division of this Act amending section 8A.454, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION IV BANKING DIVISION PROVISIONS

Sec. 41. Section 524.814, Code 2009, is amended by adding the following new subsection: NEW SUBSECTION. 1A. To secure transactions to hedge risks associated with interest rate exposure, subject to the approval of the superintendent.

#### DIVISION V ALCOHOLIC BEVERAGES DIVISION — HIGH ALCOHOLIC CONTENT BEER

Sec. 42. NEW SECTION. **123.126 High alcoholic content beer.**

Unless otherwise provided by this chapter, the provisions of this chapter applicable to beer shall also apply to high alcoholic content beer.

Sec. 43. EFFECTIVE UPON ENACTMENT AND RETROACTIVE APPLICABILITY. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 10, 2010.

#### DIVISION VI DEPARTMENT OF HUMAN RIGHTS PROVISIONS

Sec. 44. Section 216A.3, subsection 2, unnumbered paragraph 1, Code 2009, as amended by 2010 Iowa Acts, Senate File 2088,<sup>3</sup> section 103, is amended to read as follows:

The board shall consist of ~~fourteen~~ sixteen members, including ~~nine~~ eleven voting members and five nonvoting members and determined as follows:

Sec. 45. Section 216A.12, subsection 2, Code Supplement 2009, as amended by 2010 Iowa Acts, Senate File 2088,<sup>4</sup> section 108, is amended to read as follows:

2. The members of the commission shall be appointed during the month of June and shall serve for staggered four-year terms ~~commencing July 1 of the year of appointment which shall begin and end pursuant to section 69.19.~~ Members appointed shall continue to serve until their respective successors are appointed. Vacancies in the membership of the commission shall be filled by the original appointing authority and in the manner of the original appointments. Members shall receive actual expenses incurred while serving in their official capacity. Members may also be eligible to receive compensation as provided in section 7E.6.

#### DIVISION VII TREASURER OF STATE PROVISIONS

Sec. 46. NEW SECTION. **12G.1 Iowa financial literacy program — legislative intent.**

The general assembly finds that the general welfare of this state and well-being of its citizens is directly related to the financial education of those citizens. While the state has limited resources to promote financial literacy, a vital and valid public purpose shall be served by the creation and implementation of programs which encourage and make possible the attainment of financial literacy by the largest possible number of citizens in this state, and particularly by low-income to moderate-income families.

<sup>3</sup> Chapter 1031 herein

<sup>4</sup> Chapter 1031 herein

Sec. 47. NEW SECTION. **12G.2 Program created.**

An Iowa financial literacy program is created within the office of the treasurer of state. The treasurer of state shall have all powers necessary to carry out and effectuate the purposes, objectives, and provisions pertaining to the program, including the authority to do all of the following:

1. Promote the advantages of personal savings and responsible borrowing and the viability and desirability of implementing a personal savings program and responsible borrowing practices regardless of an individual's or family's financial status.
2. Create an incentive program and awards ceremony whereby individuals and families who have made significant progress toward achieving personal savings goals and engaging in responsible borrowing practices shall be officially recognized.
3. Create strategies for coordination of the program with the Iowa educational savings plan trust established in chapter 12D.
4. Make presentations to groups including but not limited to schools, hospitals, civic organizations, and privately organized clubs and groups regarding the existence of the program.
5. Coordinate conferences, meetings, and events which promote financial literacy and education.

*Approved April 29, 2010, with exception noted.*

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 2367, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. Senate File 2367 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs, and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

**CHAPTER 1190****APPROPRIATIONS — JUSTICE SYSTEM***S.F. 2378*

**AN ACT** relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
APPROPRIATIONS

Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, victim assistance grants, office of drug control policy prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,732,930
.....	FTEs	232.50

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

.....	\$	3,060,000
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The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

c. For legal services for persons in poverty grants as provided in section 13.34:

.....	\$	1,930,671
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2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2011, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2009, and actual and expected reimbursements for the fiscal year commencing July 1, 2010.

b. The department of justice shall include the report required under paragraph “a”, as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2011.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the department of commerce revolving fund created in section 546.12 to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purposes designated: